

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL ACTION
)	NO. 04-40026-FDS
BRIAN VALLEE, a/k/a "Chunky",)	
Defendant,)	
_____)	

STATUS REPORT
May 6, 2005

SWARTWOOD, C.M.J.

The following is a Status Report to Saylor, J. to whom this case is assigned:

1. Discovery

Mr. Vallee has filed a Motion For Discovery and the Government has filed an opposition to that motion. By Order dated May 5, 2005, I denied Mr. Vallee's Motion For Discovery. At a status conference held on April 29, 2005, counsel for Mr. Vallee requested that she be given additional time to review discovery and my ruling on her client's Motion For Discovery. I have granted that request.

2. Further Status Conference

A further status conference shall be held in this case on May 26, 2005, at 3:00 p.m., in Courtroom 1, Fifth Floor, Donohue Federal Building, 595 Main Street, Worcester, Massachusetts.

3. Excludable Time

With the assent of counsel for the parties, I have excluded from the Speedy Trial Act, the period from April 21, 2005 (date of expiration of prior order of excludable time) through May 26, 2005 (date by which Mr. Vallee's counsel will have completed her review of discovery). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Thursday, August 4, 2005.

4. Interstate Agreement On Detainers ("IAD")

At the status conference held on April 29, 2005, I inquired whether Mr. Vallee had waived his right, under the IAD, to a trial within 120 days. Mr. Vallee has previously signed such waivers. Mr. Vallee's counsel stated that she would discuss a further waiver of the IAD with her client. If such a waiver is not signed by May 13, 2005, counsel for the parties shall contact me in order that I may then alert Judge Saylor as to a potential IAD problem.

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE